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EXAMINER	
THOMPSON JR, FOREST	
ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,268

Applicant(s)

ANDERSSON ET AL.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the pre-amendment A filed on 02/15/2001 (see Paper #3). Applicant deleted claims 1-32 and added new claims 33-65. Claims 33-65 are pending.

2. Claims 33-65 have been examined.

Claim Objections

3. Claims 59-61 are objected to because of the following informalities:

- in claim 59, applicant states "a decision to by replacement" in lines 3-4.

Examiner cannot with certainty determine applicant's intended claim language.

- claim 60 is dependent from claim 59; therefore, claim 60 is objected to.

- in claim 61, applicant states "to make compute or processor carry out" in lines 2-

3. Examiner cannot with certainty determine applicant's intended claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 33-41, 43-45, 49-50, 53-55, 57, 61-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornett et al. (U.S. Patent No. 5,216,612), which incorporates in its entirety by reference Beasley et al. (U.S. Patent No. 4,827,423).

Since Beasley et al. is incorporated by reference into Cornett et al., examiner will reference pertinent disclosures of it in the rejection of applicant's invention in the context of a 35 U.S.C. 102 rejection, as appropriate, on the basis of either or both of these patents.

Claim 33. Cornett et al. discloses:

- using a first software application for controlling electronic procurement (e-procurement) operations to order replacement equipment for procurement from one or more suppliers (Abstract);
- linking the first software application functionally with at least a second software application including a management function which represents and manages runtime operation data associated with said equipment (Abstract); and
- initiating e-procurement operations through said at least one second software application (Abstract).

Claim 34. Cornett et al. discloses said at least one second software application comprises a reporting software function for reporting an operational status monitored during runtime of the industrial plant (col. 21 lines 30-51).

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Claim 35. Cornett et al. discloses said at least one second software application comprises a function for producing one or more of a production report, a quality report, and a cost of operation report (col. 3 lines 7-19).

Claim 36. Cornett et al. discloses said at least one second software application comprises a control software function for controlling operational conditions relating to said equipment (col. 3 lines 7-19).

Claim 37. Cornett et al. discloses:

- wherein said at least one second software application comprises a graphical software function for producing a graphical runtime representation of said equipment in an operational context of said plant (col. 12 lines 50-56),
- said method including the step of accessing said management function for said runtime operational data (col. 12 lines 50-63).

Claim 38. Cornett et al. discloses:

- a user selecting a presentation of a menu via said graphical runtime representation of said equipment (col. 15 line 62 – col. 16 line 9);
- retrieving a specification which is stored, or generated on the basis of stored data, for said equipment (col. 15 line 62 – col. 16 line 16); and
- procuring the replacement equipment according to at least part of said specification (col. 15 line 62 – col. 16 line 9).

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Claim 39. Cornett et al. discloses providing said user with an option to alter said specification after the specification is retrieved (col. 13 line 66 – col. 14 line 26).

Claim 40. Neither Cornett et al. nor Beasley et al. explicitly discloses said presentation is selected from graphical representation on a screen of any of a computer connected by a LAN network to the process control system, a computer connected by a Wan network to the process control system, a computer connected by a telephone network to the process control system, a computer connected by a short range radio link to the process control system, a mobile telephone connected by a telephone network to the process control system, nor a mobile telephone connected by a short range radio link to the process control system. However, Beasley does disclose the use of a communications network interconnecting a plurality of computers at various functional levels for the operation of the invention (col. 3 lines 12-40). This disclosure encompasses multiple types of connectivity, including computers connected by a LAN network, a Wan network, a telephone network, and short range radio links.

Claim 41. Cornett et al. discloses providing said user with confirmation data once a preferred replacement has been identified, and said user selecting an option to execute a purchase of said replacement equipment (col. 22 line 59 – col. 23 line 11).

Claims 43, 44. Beasley et al. discloses said e-procurement operations comprise the step of requesting an approval for a purchase of a predetermined value from a

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person or process having authority to give approval to make said purchase (fig. 8 [400, 402, 404, 406, 408, 410, 412]).

Claim 45. Cornett et al. discloses initiating said e-procurement operations to occur automatically in response to operational status data associated with said equipment and received from said at least one second software application (col. 5 lines 47-62).

Claim 49. Claim 49 is written as a method and contains essentially the same limitations as claim 33; therefore, the same rejection is applied.

Claim 50. Cornett et al. discloses the system includes means for communicating the specification for said replacement equipment to one or more manufacturers or suppliers for ordering replacement equipment or related service thereof (col. 15 lines 50-61).

Claim 53. Claim 53 is written as a method and contains essentially the same limitations as claim 1; therefore, the same rejection is applied.

Claim 54. Cornett et al. discloses enabling a computer of a processor to

- retrieve information about equipment which needs replaced in an industrial plant (col. 15 line 62 – col. 16 line 16), whereby said computer or processor carries out actions to:

- receive information from a database which includes replacement equipment specification (col. 15 line 62 – col. 16 line 16);
- receive input identifying a parameter relating to delivery times for the equipment (col. 15 line 62 – col. 16 line 16); and
- conduct electronic procurement operation to obtain at least one quote for a given specification and delivery time (col. 15 line 62 – col. 16 line 16).

Claim 55. Cornett et al. discloses software means enabling a user to:

- change at least one parameter relating to the replacement equipment specification to result in a new specification (col. 23 line 42 – col. 24 line), and
- initiate electronic procurement operations to obtain at least one quote for the new specification (col. 29 line 32 – col. 34 line 8).

Claim 57. Cornett et al. discloses repeatedly change at least one parameter relating to the replacement equipment specification, and carry out repeated e-procurement operations for the new specification until the received quote indicates a delivery date which is the same as or earlier than a predetermined target date (col. 4 lines 50-66).

Claim 62. Claim 62 is written as a method and contains essentially the same limitations as claim 54; therefore, the same rejection is applied.

Claim 63. Claim 63 is written as a method and contains essentially the same limitations as claim 54; therefore, the same rejection is applied.

Claim 64. Claim 64 is written as a method and contains essentially the same limitations as claim 45; therefore, the same rejection is applied.

Claim 65. Cornett et al. discloses the computer data signal is generated by an operator of the computerised system during runtime maintenance operations for said industrial plant (col. 22 lines 46-58).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e); (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 42, 46-48, 51-52, 56, and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornett et al. and Beasley et al., as applied to claims 33, 49 and 54 above, and further in view of Official Notice.

Claim 42. Neither Cornett et al. nor Beasley et al. explicitly disclose requesting a plurality of proposals for supply from a plurality of different suppliers, and selecting a preferred replacement from said proposals. However, Official Notice is taken that requesting a plurality of bids from a plurality of suppliers was old and well known in the art at the time the invention was made. In this manner, purchasers tried to achieve lower prices/costs by instigating competition among the suppliers. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Cornett et al. and Beasley et al. to explicitly request a plurality of proposals for supply from a plurality of different suppliers, and select a preferred replacement from said proposals, as disclosed by old and well known art, for the motivation of effecting replacement of equipment in an industrial plant.

Claims 46, 47. Neither Cornett et al. nor Beasley et al. explicitly disclose examining one or more prices and conditions retrieved in the e-procurement operations; forming a negative buying decision; changing at least one part of the replacement equipment specification to initiate a modified e-procurement process; examining one or more new prices and conditions retrieved in the modified e-procurement process; nor transmitting a purchase confirmation to an identified preferred supplier. However, Official Notice is taken that examining one or more prices and conditions retrieved in the e-procurement operations; forming a negative buying decision; changing at least one part of the replacement equipment specification to initiate a modified e-procurement

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process; examining one or more new prices and conditions retrieved in the modified e-procurement process; and transmitting a purchase confirmation to an identified preferred supplier are old and well known steps used by purchasers, buyers, and/or users to obtain optimum prices for goods and services from suppliers/merchants/providers. In this manner, purchasers, buyers, and/or users may achieve better profitability/prices resulting from negotiations with the potential suppliers for the goods and services. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Cornett et al. and Beasley et al. to explicitly examining one or more prices and conditions retrieved in the e-procurement operations; forming a negative buying decision; changing at least one part of the replacement equipment specification to initiate a modified e-procurement process; examining one or more new prices and conditions retrieved in the modified e-procurement process; and transmitting a purchase confirmation to an identified preferred supplier, as disclosed by old and well known art, for the motivation of effecting replacement of equipment in an industrial plant.

Claim 48. Neither Cornett et al. nor Beasley et al. explicitly disclose performing iterations of cost evaluation of the specification in which specification factors or parameters are changed; nor judging each evaluation result in accordance with a predefined algorithm, to finalize an e-procurement process. However, Official Notice is taken that iterating proposed changes to a component, system, apparatus, or method and evaluating the resulting configuration for desirability to the user was old and well

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known in the art at the time the invention was made. The user, in this manner, attempts to reduce develop costs/time and achieve an acceptable/desirable solution/design/method in an efficient manner. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Cornett et al. and Beasley et al. to explicitly perform **iterations** of cost evaluation of the specification in which specification factors or parameters are changed, and judge each evaluation result in accordance with a predefined algorithm, to finalize an e-procurement process, as disclosed by old and well known art, for the motivation of effecting replacement of equipment in an industrial plant.

Claims 51, 52. Cornett et al. discloses software means to match a registered or identified logged-in prospective customer to a history of details of specification selection, and subsequent changes to specification stored in a database of the system (col. 22 lines 46-58). Neither Cornet et al. nor Beasley et al. specifically discloses a digital identifier means such as a cookie stored in a computer used by the prospective customer. However, Official Notice is taken that the use of cookies stored on a customer's computer was old and well known in the art at the time the invention was made. The use of a cookie identifies the user to the service provider and speeds the connection between the customer and the service provider. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Cornet et al. and Beasley et al. to explicitly store a digital identifier means such as a cookie in a computer used by the prospective customer, as disclosed by old

and well known art, for the motivation of ordering replacement equipment for an industrial plant.

Claim 56. Cornett et al. discloses functionality for repeatedly changing at least one parameter relating to the replacement equipment specification (col. 4 lines 50-66).

Neither Cornett et al. nor Beasley et al. explicitly disclose carrying out repeated electronic procurement operations for the new specification until a received quote indicates a financial cost which is equal to or less than a predetermined target cost. However, Official Notice is taken that buyers solicit prices from multiple suppliers in order to achieve a best price. In this manner, equipment costs are minimized through the use of competitive bidding. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the inventions of Cornett et al. and Beasley et al. to explicitly solicit prices from multiple suppliers through repeated electronic procurement operations for the new specification in order to achieve a best or target price, as disclosed by old and well known art, for the motivation of ordering replacement equipment for an industrial plant at optimal/economical prices.

Claim 58. Neither Cornett et al. nor Beasley et al. explicitly disclose software means enabling a user to communicate a buying decision, based on one or more prices and conditions resulting from the electronic procurement operations for a selected specification, by means of a single action by the user. However, Official Notice is taken that communicate a buying decision by means of a single action by the user was old

and well known in the art at the time the invention was made. A buyer/customer may submit an order in response to only a single action being performed, which sends a request to order the item to a server system. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Cornet et al. and Beasley et al. to explicitly disclose software means enabling a user to communicate a buying decision, based on one or more prices and conditions resulting from the electronic procurement operations for a selected specification, by means of a single action by the user, as disclosed by old and well known art, for the motivation of

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:


- Hartman et al. (U.S. Patent No. 5,960,411) that discloses a method and system for placing an order to purchase an item via the Internet;
- Walker et al. (U.S. Patent No. 5,794,207) that discloses a method and apparatus for effectuating bilateral buyer-driven commerce.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FT 
17 December 2003


Jeffrey A. Smith
Primary Examiner